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GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF EDUCATION  
LANSING




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OF PUBLIC INSTRUCTION

May 31, 2005

**Memorandum**

**TO:** State Board of Education

**FROM:** Jeremy M. Hughes, Ph.D., Chairman 

**SUBJECT:** Report on Administrative Rule Waivers

At its June 19, 1996, meeting the State Board of Education approved the process for waivers of Administrative Rules. Section 1281(3) of The Revised School Code of 1996 took effect on July 1, 1996. This section provides for a limited time waiver of a State Board or Department rule to a school district, public school academy, university school, or intermediate school district for the purpose of serving the intent of the rule in a more effective, efficient, or economical manner or to stimulate improved pupil performance in Michigan schools.

The approved process includes: (1) the ability to file an independent or joint application with responsibility for oversight at each participating local board of education; (2) the necessity to complete a separate application for each rule for which a waiver is being requested; (3) a description of how the district will address the intent of the rule/statute in a more effective, efficient, or economical manner or how the waiver will be implemented to stimulate improved pupil performance; (4) a description of who and how interested parties were notified and involved in the application process; e.g., teachers, parents, community, others; and (5) a plan for addressing issues of local accountability and how the applicant will document that the waiver continues to meet the criteria in the application, does not compromise equal opportunities for learning, and is not detrimental to the educational interests of any pupils, as required by the Act.

Attachment A provides information on the waivers approved by the Superintendent since April 12, 2005, based on reviews and recommendations of appropriate Department staff and the internal waiver review committee.

Attachment

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**# 0930 -05 - OSE/EIS    Oakland Schools**

Exemptions: All districts are exempt except Oakland Schools, Southfield Public Schools, and Troy School District.

Administrative Rule: 340.1790(c) - Teacher consultants for students with disabilities

Waiver Synopsis:

Waive the three years of teaching experience but retain the master's degree and visually impaired endorsement requirements.

District Rationale:

- Previous postings of vacancy have not produced a fully qualified candidate to fulfill the teacher consultant service position. Another round of postings will be done.
- No classroom programs for the visually impaired are available to ensure the teacher consultant could gain the three years of classroom experience; therefore, it is anticipated the district will not be able to hire a fully qualified candidate to fill the position; some candidates meet all the other criteria for the position, just not the three years of classroom experience.
- Temporary measures have been put in place to deal with the crisis.
- Local directors of special education who are affected by the situation have been made aware of the difficulty and have been consulted relative to a solution prior to securing the district superintendents' and Board presidents' endorsement of the waiver request.
- Approval of the waiver ensures that the districts will be able to provide services via a person specifically trained in the area of the visually impaired.
- Will be able to provide successful applicant with mentoring services from a fully certified teacher consultant of the visually impaired for the length of the waiver, which will help ensure their performance is satisfactory.

Action:

Approve, noting that mentoring services will be provided from a fully certified teacher consultant of the visually impaired to ensure successful performance for the duration of the waiver.

Recommended waiver period:

Department approval through June 30, 2008